

**Notice of Allowability**

Application No.

09/870,436

Examiner

Hai L. Nguyen

Applicant(s)

GABARA, THADDEUS JOHN

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 6/17/2004.
2. ☒ The allowed claim(s) is/are 1-38, 40 and 41.
3. ☒ The drawings filed on 30 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

TIMOTHY P. CALLAHAN

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2800

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### **DETAILED ACTION**

#### ***Response to Appeal Brief***

1. Applicant's appeal brief filed on 02/03/2005 has been received and entered in the case. Applicant's arguments with respect to the prior art rejections mailed on 09/30/2004 have been fully considered and found persuasive, as such; the prior art rejections have been withdrawn. Therefore the case is found to be in allowance condition for the reasons as set for below.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph B. Ryan on 03/14/2005. The invention of claim 39, as shown in Fig. 31, is distinct from the elected claims which drawn to a comparator circuit having an embodiment as shown in Fig. 11. Therefore, claim 39 needs to be cancelled.

3. The application has been amended as follows:

#### ***In the claims***

Claim 39 has been deleted.

### **REASON FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or fairly suggest a comparator circuit (as shown in Fig. 11), as recited in claim 1, having specific structural limitations such as first and second input legs (210, 220) each coupled to a corresponding one of a first and second nodes (at source terminals of M3 and M4) of the evaluation element, the first and second input legs having non-complementary structures relative to one another and being adapted to receive respective first and second input signals (in1, in2), each of the non-complementary structures having associated therewith a variable parameter having a value that is a function of a corresponding one of the input signals, the evaluation element being adapted to perform a comparison of the first and second input signals; and being configured in combination with the rest of the limitations of the base claims and any intervening claims.

The prior art of record fails to disclose or fairly suggest a comparator circuit (as shown in Fig. 11), as recited in claim 36, having specific structural limitations such as first and second input legs (210, 220) each coupled to a corresponding one of a first and second nodes (at source terminals of M3 and M4) of the evaluation element, the first and second input legs being adapted to receive respective first and second non-complementary input signals (in1, in2), each of the first and second input legs having associated therewith a variable parameter having a value that is a function of a corresponding one of the input signals, the evaluation element being adapted to perform a comparison of the first and second input signals; and being configured in combination with the rest of the limitations of the base claims and any intervening claims.

Claims 37 and 40 are allowed for similar reasons; note the above discussion with regard to claim 1.

Claim 38 is allowed for similar reasons; note the above discussion with regard to claim 36.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai L. Nguyen whose telephone number is 571-272-1747 and Right Fax number is 571-273-1747. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The official fax phone number for the organization where this application or proceeding is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.


7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HLN   
March 14, 2005